

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HENRY C. FLEARY,

Plaintiff,

- v -

STATE OF NEW YORK MORTGAGE
AGENCY, et al.,

Defendants.
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ORDER

CV-04-1557 (CPS)(VVP)

By letter dated July 1, 2005 counsel for the defendants seek to compel responses to various discovery requests timely propounded in this action, and have annexed copies of the various requests and the responses to some of those requests. The plaintiff has submitted no opposition to the defendants' application.

Upon review of the plaintiff's responses to interrogatories 5, 8, and 11 through 16 of the Defendants' First Interrogatories, the court finds the responses deficient. In addition, the plaintiff has served no responses to the Defendants' Second Set of Interrogatories and the Defendants' Second Document Requests, which responses are now more than 30 days overdue.

Accordingly, it is hereby ordered that, **on or before August 8, 2005**, the plaintiff shall serve (1) supplemental responses to interrogatories 5, 8, and 11 through 16 of the Defendants' First Interrogatories, as well as (2) full written responses to the Defendants' Second Set of Interrogatories and the Defendants' Second Document Requests. In addition, **on or before August 1, 2005**, the plaintiff shall produce for inspection and copying at the offices of the defendants' counsel all documents responsive to the Defendants' Second Document Requests.

In providing the above responses, no information or documents may be withheld from disclosure by the plaintiff on the basis of any objection, including privilege, all objections having been waived by the failure timely to respond to the above discovery requests.

Finally, there being no opposition and no good reason otherwise appearing for the plaintiff's failure to respond to the above requests, the defendants' application for

attorneys' fees in connection the instant application is granted. *See* Fed. R. Civ. P. 37(a)(4). The defendants' counsel shall submit proof of fees incurred within five business days.

SO ORDERED:

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
July 25, 2005